

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

**DEFENDANTS' MOTION TO  
DISMISS FOR FAILURE TO  
COMPLY WITH PRETRIAL  
ORDER NO. 14, OR FOR FAILURE  
TO PROSECUTE: PRODUCT  
IDENTIFICATION**

*Adson*, 24-cv-02070  
*Ashley*, 23-cv-00938  
*Auxter*, 23-cv-03540  
*Avery*, 23-cv-03338  
*Balla*, 24-cv-01436  
*Baxter*, 23-cv-03507  
*Blagg*, 23-cv-03655  
*Blakely*, 24-cv-00976  
*Boling*, 24-cv-00980  
*Buxton*, 23-cv-03518  
*Cali*, 24-cv-01020  
*Chamness*, 24-cv-00019  
*Collins*, 24-cv-00036  
*Cornn*, 24-cv-00885  
*Cozzens*, 24-cv-01618  
*Davis*, 24-cv-00729  
*Dawson*, 24-cv-00871  
*Day*, 24-cv-01631  
*Dominguez*, 24-cv-00981  
*Dudeck*, 24-cv-00977  
*Durrough*, 23-cv-03649  
*Esparza*, 23-cv-03778  
*Finks*, 24-cv-00706  
*Fivecoat*, 23-cv-03304  
*Fox*, 23-cv-01959  
*Garvin*, 23-cv-03405  
*Garvin*, 24-cv-00890  
*Gehron*, 23-cv-03243  
*Gibson*, 23-cv-01867  
*Godfrey*, 23-cv-03177  
*Goods*, 23-cv-03196  
*Griffey*, 23-cv-01929  
*Gsell*, 24-cv-00869  
*Halstead*, 24-cv-01027  
*Hamilton*, 24-cv-00708  
*Haney*, 24-cv-00814

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*Harding*, 24-cv-00926  
*Hartley*, 23-cv-03801  
*Hernandez*, 24-cv-00701  
*Hill*, 24-cv-00393  
*Honea*, 23-cv-02162  
*Houston*, 24-cv-00742  
*Hoya*, 24-cv-00701  
*Huckabey*, 23-cv-01592  
*Huddleston*, 24-cv-00656  
*Huston*, 23-cv-03677  
*Jackson*, 24-cv-00782  
*Jackson*, 24-cv-00985  
*Jett*, 24-cv-00380  
*Keeling*, 23-cv-03529  
*Kemp*, 24-cv-00704  
*Keys*, 24-cv-00712  
*Kinsey*, 23-cv-01423  
*Kippins*, 23-cv-03654  
*Kushmaul*, 24-cv-00859  
*Lanier*, 23-cv-03322  
*Lenhart*, 24-cv-00291  
*Lomas*, 24-cv-00672  
*Long*, 24-cv-00878  
*McCord*, 24-cv-00874  
*McCraken*, 23-cv-02926  
*McManaway*, 24-cv-00112  
*Merritt*, 24-cv-00657  
*Million*, 23-cv-01179  
*Monroe*, 24-cv-00978  
*Mosley*, 24-cv-00896  
*Nguyen*, 24-cv-00330  
*Nunez*, 24-cv-00852  
*Panfili*, 23-cv-01188  
*Paxson*, 24-cv-00101  
*Phillips*, 24-cv-00931  
*Pignotti*, 23-cv-00967  
*Place*, 24-cv-00723  
*Preston*, 23-cv-01007  
*Prior*, 24-cv-00677  
*Pruitt*, 24-cv-00849  
*Ramis*, 24-cv-00733  
*Redman*, 16-cv-02299  
*Reed*, 24-cv-00979

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*Riley*, 23-cv-00979  
*Roudebush*, 24-cv-00060  
*Salinas*, 23-cv-00974  
*Schuchmann*, 24-cv-00730  
*Sheets*, 23-cv-01114  
*Shoemaker*, 24-cv-01037  
*Silas*, 24-cv-00853  
*Snowden*, 23-cv-01633  
*Stanton*, 24-cv-00891  
*Summerlott*, 23-cv-01221  
*Suggs*, 24-cv-01032  
*Sullivan*, 23-cv-00937  
*Thompson*, 24-cv-00994  
*Underwood*, 24-cv-00865  
*Ventola*, 24-cv-00748  
*Walker*, 24-cv-00698  
*Weatherly*, 24-cv-01042  
*White*, 24-cv-00870  
*Williams*, 24-cv-00250  
*Williams*, 24-cv-00737  
*Williams*, 24-cv-00992  
*Yacovone*, 24-cv-00705  
*Yoder*, 24-cv-00402  
*Zenko*, 24-cv-00744

Pursuant to Pretrial Order No. 14 and Federal Rule of Civil Procedure 41(b), Defendants 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively, “Defendants”) respectfully move the Court to dismiss all of the above-referenced cases in their entirety with prejudice for failure to comply with Pretrial Order No. 14, and Fed. R. Civ. P. 41(b). In the alternative, Defendants request that the above-referenced plaintiffs serve amended PFS answers to cure all listed deficiencies within 14 days, and the amended PFS answers must include an answer to PFS Section III, Question 1 that identifies by Bates number the specific page of the record supporting Bair Hugger product identification.

As set forth in the accompanying Memorandum of Law, each plaintiff: i) served a PFS with a core deficiency in Section III, Question 1; ii) received a deficiency notice listing the deficiency in Section III, Question 1; iii) either ignored 3M's deficiency notice, or failed to properly cure the deficient answer; and iv) was listed on at least two consecutive court conference agendas for dispute. The above-referenced matters have failed to meet the requirements of this Court's Orders and the Federal Rules of Civil Procedure, and dismissal is appropriate.

Dated: March 3, 2025

Respectfully submitted,

s/ Benjamin W. Hulse

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and Arizant Healthcare Inc.***